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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,059	10/15/2003	Linda Woodward	LCWO-1-1001	8918

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BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE, WA 98104

EXAMINER

CONLEY, FREDRICK C

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,059

Applicant(s)

WOODWARD ET AL.

Examiner

FREDRICK C CONLEY

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 9, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,649,658 to Hoffman et al.

Claim 1, Hoffman discloses a diaper changing assembly, comprising:

a principle bag member 10 partially enclosing an interior region and forming an access opening leading thereto, the bag member including an outer surface 19 having at least one first securing member 135 formed thereon and a bottom portion 17 positioned opposite from the access opening; and

a changing mat 110 operatively coupled to the outer surface and having at least one second securing member 133 formed thereon, the changing mat being foldable into a plurality of portions such that in a closed position, the plurality of portions are positionable proximate the outer surface and the first and second securing members are engageable with the changing mat occupying a stowed position external to the bag member, and in an open position the plurality of portions may be unfolded to provide an elongated changing surface (fig. 6), the principal bag member 10 being adapted such that the bottom portion remains engaged with the support surface, the interior remains substantially accessible through the access opening, and the principal bag member

remains substantially unchanged during articulation of the changing mat between the open and closed positions.

Claim 3, wherein the bag member includes one or more storage compartments (101,102) coupled to the outer surface 19.

Claim 4, wherein the bag member includes a substantially rectangular member having first and second side panels, opposing end panels, and a bottom panel coupled to the first and second side panels and the opposing end panels, the bottom panel comprising the bottom portion.

Claim 5, wherein the changing mat removably coupled to the bag member (col. 4 lines 36-44).

Claim 9, wherein the changing mat includes an inner layer of padding material substantially surrounded by an outer, durable layer (col. 2 lines 15-18).

Claim 17, Hoffman discloses a method of changing diapers, comprising: providing a principal bag member 10 that partially encloses an interior region and having an access opening leading thereto, the bag member including an outer surface 19 and a bottom portion 17 positioned opposite from the access opening;

engaging the bottom portion with a support surface such that the interior region is substantially accessible through the access opening; deploying a changing mat 110 operatively coupled to the outer surface into an open position to provide an elongated changing surface without modification of the principal bag member 10, the bottom portion remaining engaged with the support surface and the interior region remaining substantially accessible through the access opening;

positioning a wearer of a diaper on the changing surface;
installing a diaper on the wearer; and
redeploying the changing mat into a closed position proximate the outer surface
wherein the changing mat occupies a stowed position external to the principle
bag member and without modification of the principal bag member, the bottom portion
remaining engaged with the support surface;
and the interior region remaining substantially accessible through the access
opening.

Claim 18, further comprising securing a first attachment device on the changing
mat 133 with a second attachment device 135 on the outer surface 19 when the
changing mat is in the stowed position.

Claim 19, further comprising removing previously installed diaper from the
wearer.

Claim 20, wherein deploying a changing mat includes deploying a changing mat
having a compartment-less surface 69.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,649,658 to Hoffman.

With regards to claim 6, Hoffman discloses the claimed invention except for using a zipper. The equivalence of a zipper and a hook and loop fastener is well known in the art and it would have been obvious to one having ordinary skill at the time of the invention to merely substitute a zipper as an equivalent fastening means in order detachably secure the mat to the bag member.

Claims 1-6 and 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 2,432,001 to Fisler in view of U.S. Pat. No. 5,649,658 to Hoffman.

Claim 1, Fisler discloses a bag member partially enclosing an interior region and forming an access opening leading thereto (fig. 1-2). Fisler fails to disclose the bag member having a changing mat coupled to the outer surface. Hoffman discloses a bag member having an outer surface having at least one first securing member (133,135) formed thereon, and a changing mat 110 being foldable into a plurality of portions and a bag member 10 having a bottom portion 17 positioned opposite from the access opening. It would have been obvious to one having ordinary skill in the art at the time of

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the invention to employ a changing mat as taught by Hoffman wherein the bag member of Fisler remains substantially unchanged during articulation and the bottom portion remains engaged to the support surface and accessible through the access opening in order to attend the needs of a child and change the diapers.

Claim 2, wherein the bag member includes first and second side panels (1,1') and a handle 13 coupled to at least one of the first and second panels.

Claim 3, wherein the bag member includes a storage compartment (101,102) coupled to the outer surface (Hoffman).

Claim 4, wherein the bag member including a substantially rectangular member having first and second side panels, opposing end panels, and a bottom panel coupled to the first and second side panels and the opposing end panels.

Claims 5, wherein the changing mat is removably coupled to the bag member (Hoffman)(col. 4 lines 36-44).

With regards to claim 6, ^{the combination} ~~Taniguchi~~ discloses the claimed invention except for using a zipper. The equivalence of a zipper and a hook and loop fastener is well known in the art and it would have been obvious to one having ordinary skill at the time of the invention to merely substitute a zipper as an equivalent fastening means in order detachably secure the mat to the bag member.

Claim 8, wherein the changing mat includes a compartment-less exterior surface.

Claims 9-10, Fisler fails to disclose the changing mat including an inner layer of padding material/pillow member substantially surrounded by an outer, durable layer.

Hoffman discloses the changing mat including an inner layer of padding material

substantially surrounded by an outer, durable layer (col. 2 lines 15-18). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ a changing mat as taught by Hoffman with the changing assembly of Fisler in order to provide a comfortable changing pad.

Claim 11, Fisler discloses a diaper changing assembly, comprising:
a bag member having at least two side panels that substantially enclose an interior region and at least partially form an access opening leading thereto, the bag member including an outer surface (fig. 1-2). Fisler fails to disclose the bag member having a changing mat coupled to the outer surface. Hoffman discloses a bag member having an outer surface having at least one first securing member (133,135) formed thereon, and a changing mat 110 being foldable into a plurality of portions and a bag member 10 having a bottom portion 17 positioned opposite from the access opening. It would have been obvious to one having ordinary skill in the art at the time of the invention to employ a changing mat as taught by Hoffman wherein the bag member of Fisler remains substantially unchanged during articulation and the bottom portion remains engaged to the support surface and accessible through the access opening in order to attend the needs of a child and change the diapers.

Claim 12, wherein the bag member includes a storage compartment (101,102) coupled to the outer surface (Hoffman).

Claim 13, wherein the bag member includes a substantially rectangular member having first and second side panels, opposing end panels, and a bottom panel.

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Claims 14, Fisler fails to disclose a zipper. Hoffman clearly discloses the changing mat is removably coupled to the bag member (col. 4 lines 36-44). The equivalence of a zipper and a hook and loop fastener is well known in the art and it would have been obvious to one having ordinary skill at the time of the invention to merely substitute a zipper as an equivalent fastening means in order detachably secure the mat to the bag member.

Claims 15-16, Fisler fails to disclose the changing mat including an inner layer of padding material/pillow member substantially surrounded by an outer, durable layer. Hoffman discloses the changing mat including an inner layer of padding material substantially surrounded by an outer, durable layer (col. 2 lines 15-18). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ a changing mat as taught by Hoffman with the bag member of Fisler in order to provide a comfortable changing pad.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,068,786 to Fisler in view of U.S. Pat. No. 5,649,658 to Hoffman, and U.S. Pat. No. Des. 378,953 to Pavlik.

With regards to claim 7, Fisler discloses all of the Applicant's claimed limitations except for the changing mat having a tri-panel. Pavlik illustrates a bag having a tri-panel mat (fig. 2-3). It would have been obvious to employ a tri-panel mat as illustrated by Pavlik in order to provide an alternate design for the mat or to fold into a different configuration.

Response to Arguments

Contrary to the Applicant's arguments Hoffman does disclose a principal bag member 10 wherein the bottom portion 17 remains engaged with the support surface, the interior region remains substantially accessible through the access opening, and the principal bag member 10 remains substantially unchanged during articulation of the changing mat 110 between the open and closed positions. Although the outer auxiliary compartment 85 is opened by the zipper during deployment of the pad 110 the principal bag member remains substantially unchanged.

Applicant's arguments with respect to claims 1, 4, 11, 13, and 17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FREDRICK C CONLEY whose telephone number is 703-308-7468. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HEATHER SHACKELFORD can be reached on 703-308-2978. The fax

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phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FC



HEATHER SHACKELFORD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600